



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 11694-10
25 August 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 August 2011. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 17 November 1989 at age 22 and began a period of active duty on 13 December 1989. You served without disciplinary incident until 31 May 1990, when you received nonjudicial punishment (NJP) for three periods of unauthorized absence totalling 19 days, failure to go to your appointed place of duty, two specifications of disrespect, being drug on duty, and drunk and disorderly conduct. The punishment imposed was restriction and extra duty for 45 days and a \$724 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 22 June 1990, your commanding officer recommended separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. This recommendation also noted that you were disenrolled from "A" School due solely to your misconduct. On 7 July 1990 the

discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to commission of a serious offense, and on 18 July 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge so that you may pursue employment opportunities. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your alcohol related misconduct which resulted in an NJP. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director